

# MASSACHUSETTS

## Retail Environmental Enforcement Summary July 1, 2016 - December 31, 2016



1

The Massachusetts Department of Environmental Protection (DEP) enforces the state's environmental laws.



**207**

Enforcement actions were issued to retailers.

2

The types of retail stores facing enforcement.



**Automotive stores**

**7**



**Grocery stores**

**3**



**Dry cleaners**

**6**



**Motor vehicle dealers**

**4**



**Gas stations**

**187**

3



**\$13,500**

Total fines issued to retailers.

## HIGHLIGHTS

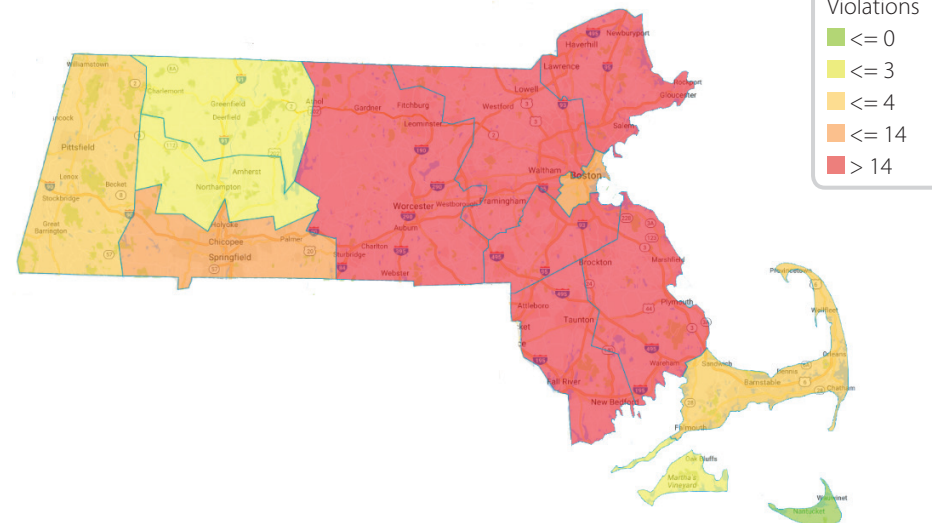
Between July 1, 2016 and December 31, 2016, 207 enforcement actions filed by the Massachusetts Department of Environmental Protection (DEP) were issued to 207 retail<sup>1</sup> facilities. These included automotive stores, dry cleaners, gas stations, grocery stores, and motor vehicle dealers. Massachusetts does not make inspection reports publicly available.

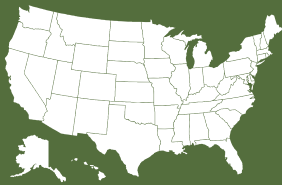
Fines ranged from \$500 to \$1,000, in addition to actions required to bring the entities into compliance. The highest fines were issued to gas stations and a dry cleaner.

4

Enforcement by county

[Click here](#) for interactive map.





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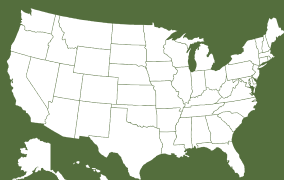
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July 1, 2016 - December 31, 2016



### ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Facilities	Fine (\$) and actions to comply
<b>Air.</b> Violations covered an automotive store, dry cleaners, gas stations, and a motor vehicle dealer. Violations included failure to have a Certification of Financial Responsibility available, failure to perform leak detection, and failure to submit compliance certifications.						
Air	Automotive store	Notice of Noncompliance (NON) <sup>1</sup>	Failure to: <ul style="list-style-type: none"> <li>• Have Certification of Financial Responsibility available</li> </ul>	Essex	1	Retailer was required to: <ul style="list-style-type: none"> <li>• Submit a Stage II Decommissioning Notification</li> </ul>
	Motor vehicle dealer	NON	Failure to: <ul style="list-style-type: none"> <li>• Submit a Stage II Form D1, Annual In-Use Compliance Certification</li> </ul>	Middlesex	1	Retailer was required to: <ul style="list-style-type: none"> <li>• Submit a Stage II Form D1 Annual In-Use Compliance Certification; or</li> <li>• Submit a Stage II System Decommissioning Notification</li> </ul>
	Dry cleaners	NONs Reporting Penalty Assessment Notice (RPAN) <sup>1</sup>	Failure to: <ul style="list-style-type: none"> <li>• Maintain receipts of perchloroethylene purchases</li> <li>• Monitor the system high and low pressures</li> <li>• Obtain a Limited Plan Approval before installation and operation</li> <li>• Perform leak detection</li> <li>• Submit Dry Cleaner Compliance Certification</li> </ul>	Bristol Norfolk Plymouth Worcester	1 1 1 1	\$1,000 fine for one retailer. Retailers were required to: <ul style="list-style-type: none"> <li>• Inspect for leaks</li> <li>• Maintain a log of dates showing when leak detection was conducted</li> <li>• Maintain perchloroethylene purchase receipts</li> <li>• Monitor system high and low pressures</li> <li>• Submit a Limited Plan Application</li> </ul>



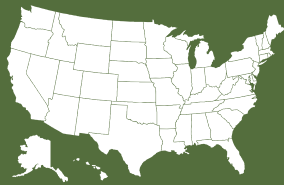
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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Facilities	Fine (\$) and actions to comply
Air	Gas stations	NONs RPANs	Failure to: <ul style="list-style-type: none"> <li>• Replace a damaged nozzle</li> <li>• Submit a Stage I Form C, Annual In-Use Compliance Certification</li> <li>• Submit a Stage II Form C, Annual In-Use Compliance Certification</li> <li>• Submit a Stage II Form D1, Annual In-Use Compliance Certification</li> <li>• Submit a Stage II Form D2, Annual In-Use Compliance Certification</li> </ul>	Barnstable Berkshire Bristol Essex Franklin Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	1 2 18 11 1 6 1 25 11 6 3 11	\$500 fines to ten retailers. \$1,000 fines to five retailers. Retailers were required to: <ul style="list-style-type: none"> <li>• Replace damaged nozzle</li> <li>• Submit Stage I Form C, Annual In-Use Compliance Certification</li> <li>• Submit Stage II System Decommissioning Notification</li> <li>• Submit Stage II Form D1, Annual In-Use Compliance Certification</li> <li>• Submit Stage II Form D2, Annual In-Use Compliance Certification</li> </ul>
<b>Drinking water.</b> Violations covered a grocery store. Violations included failure to submit nitrate water quality monitoring results.						
Drinking water	Grocery store	NON	Failure to: <ul style="list-style-type: none"> <li>• Submit nitrate water quality monitoring results</li> </ul>	Berkshire	1	Retailer was required to: <ul style="list-style-type: none"> <li>• Conduct nitrate monitoring and submit results</li> <li>• Provide notifications</li> <li>• Sample and analyze for contaminants</li> <li>• Submit certification</li> <li>• Submit test results</li> </ul>
<b>Hazardous waste.</b> Violations covered dry cleaners and gas stations. Violations included failure to mark all areas where wastes are accumulated, failure to retain manifest documents, and failure to post a sign at all areas where hazardous waste is accumulated.						
Hazardous waste	Dry cleaners	NONs	Failure to: <ul style="list-style-type: none"> <li>• Clearly mark all areas where wastes are accumulated</li> <li>• Post a sign at all areas where hazardous waste is accumulated</li> <li>• Retain manifest documents</li> <li>• Submit a Compliance Certification form</li> </ul>	Plymouth Worcester	1 1	Retailer was required to: <ul style="list-style-type: none"> <li>• Clearly mark all waste accumulation areas</li> <li>• Maintain manifest records</li> <li>• Post sign at the hazardous waste accumulation area</li> <li>• Submit Compliance Certification form</li> <li>• Submit description of each of the actions taken to correct violations</li> </ul>



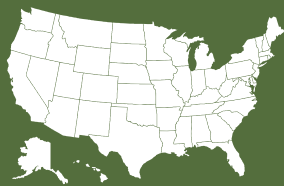
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Hazardous waste	Gas stations	NONs	Failure to: <ul style="list-style-type: none"> <li>• Submit a 5-year Periodic Review</li> <li>• Submit a Permanent Solution Statement</li> </ul>	Middlesex	2	Retailer was required to: <ul style="list-style-type: none"> <li>• Submit 5-year Periodic Review</li> <li>• Submit a Tier Classification Extension</li> <li>• Submit Permanent or Temporary Solution Statement</li> </ul>
<b>Underground storage tank (UST).</b> Violations covered automotive stores, gas stations, grocery stores, and motor vehicle dealers. Violations included failure to demonstrate financial responsibility, failure to maintain records, and failure to remove all liquid and solid debris from equipment.						
UST	Automotive stores	NONs	Failure to: <ul style="list-style-type: none"> <li>• Demonstrate financial responsibility</li> <li>• Designate a certified UST operator</li> <li>• Install equipment and sensors</li> <li>• Maintain records</li> <li>• Power on the automatic tank gauge (ATG)</li> <li>• Properly maintain equipment</li> <li>• Record and perform inspections</li> <li>• Remove all liquid and solid debris from equipment</li> <li>• Repair or replace equipment</li> <li>• Submit required documentation</li> <li>• Test equipment</li> </ul>	Bristol Essex Middlesex Plymouth	2 2 1 1	Retailers were required to: <ul style="list-style-type: none"> <li>• Complete certification</li> <li>• Demonstrate UST financial responsibility</li> <li>• Designate a certified operator</li> <li>• Maintain records</li> <li>• Perform and document inspections</li> <li>• Properly maintain or operate equipment</li> <li>• Properly place the tank-top sump sensors</li> <li>• Remove all liquid and solid debris from equipment</li> <li>• Repair or replace equipment</li> <li>• Submit required documentation</li> <li>• Test equipment</li> </ul>



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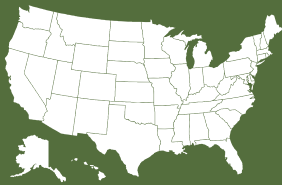
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UST	Gas stations	NONs RPANs	Failure to: <ul style="list-style-type: none"> <li>• Demonstrate and maintain financial responsibility</li> <li>• Determine if there was an abnormal regulated substance loss</li> <li>• Ensure that fill pipe covers of tanks were painted and maintained</li> <li>• Have records available</li> <li>• Inspect equipment</li> <li>• Maintain records</li> <li>• Monitor sumps</li> <li>• Open the piping interstitial space to the sumps</li> <li>• Properly maintain equipment</li> <li>• Properly place sump sensors</li> <li>• Record and perform inspections</li> <li>• Remove all liquid and solid debris from equipment</li> <li>• Repair or replace equipment</li> <li>• Respond to leak detection alarms</li> <li>• Submit required documentation</li> <li>• Test equipment</li> </ul>	Barnstable Berkshire Bristol Dukes Essex Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	3 1 14 2 7 7 1 18 11 9 4 12	\$500 fines went to five retailers. Retailers were required to: <ul style="list-style-type: none"> <li>• Demonstrate financial responsibility</li> <li>• Determine abnormal regulated substance loss threshold</li> <li>• Inspect equipment</li> <li>• Install equipment</li> <li>• Maintain and test equipment</li> <li>• Open piping interstitial space to the sumps</li> <li>• Paint covers</li> <li>• Document inspections and test results</li> <li>• Remove all liquid and solid debris from equipment</li> <li>• Replace fill cover</li> <li>• Respond to leak detection alarms</li> <li>• Submit required documentation</li> </ul>
	Grocery stores	NONs	Failure to: <ul style="list-style-type: none"> <li>• Submit compliance certification</li> </ul>	Essex Hampshire	1 1	Retailers were required to: <ul style="list-style-type: none"> <li>• Submit compliance certification</li> </ul>
	Motor vehicle dealers	NONs	Failure to: <ul style="list-style-type: none"> <li>• Submit a Third-Party Inspection Report</li> <li>• Submit compliance certification</li> </ul>	Hampden Norfolk Plymouth	1 1 1	Retailers were required to: <ul style="list-style-type: none"> <li>• Submit a Third-Party Inspection Report</li> <li>• Submit compliance certification</li> </ul>

<sup>1</sup> See Glossary for details



## GLOSSARY

**Notice of Noncompliance (NON)** — a document that describes the entity's violations, the regulations the entity failed to comply with, and specifies requirements for the entity to come into compliance.

**Reporting Penalty Assessment Notice (RPAN)** — a document that includes the entity's alleged violation(s), the law or regulation that the entity failed to comply with, requirements to come into compliance, and a penalty fine amount assessed by the DEP for the alleged violation(s).

*Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC), or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.*

*Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.*

*Note that some retailers received more than one enforcement action across one or more enforcement areas.*

**Retail** — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.